

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

In re:

VICTOR MACEO DANDRIDGE, III

Case No. 17-60578

Chapter 7

Debtor

**MOTION FOR AUTHORITY TO CONDUCT PUBLIC AUCTION SALE
OF PERSONAL PROPERTY; AND NOTICE OF HEARING**

TO THE HONORABLE REBECCA B. CONNELLY, U. S. BANKRUPTCY JUDGE:

Comes now W. Stephen Scott, Trustee in Bankruptcy for the above-styled Debtor ("Trustee"), by counsel, and files this Motion pursuant to § 363(b), and Bankruptcy Rules 6004, and 9013, seeking an order from the Court authorizing the Trustee to sell certain personal property of the Debtor's estate, at a public auction sale, for cash. In support of this Motion, Trustee states unto the Court as follows:

1. That the Debtor filed a voluntary chapter 7 bankruptcy petition on March 24, 2017, and the Trustee was duly appointed and so qualified as Successor Trustee of his bankruptcy estate on May 15, 2017. Trustee continues as the permanent trustee of the case. The § 341 meeting of creditors was held on April 24, 2017 and, upon information and belief, the Debtor appeared before Hannah W. Hutman, the original Trustee, in person, with his attorney and testified regarding his debts, assets and financial affairs. The continued meeting of creditors was conducted and concluded on May 26, 2017 by the Trustee.

2. Trustee has determined that the personal property set forth on the attached Auction List is property of the estate (the "Property"). The Trustee reserves the right to add additional property to this list of items to be sold in his discretion.

3. The Property includes household goods and furnishings and a Guitar which the Debtor valued at \$18,225.00, 2 Bikes and 2 Paddleboards which the Debtor valued at \$2,000.00, and a Bike Rack which the Debtor did not schedule as an asset, the value of which is unknown, but is property of the estate subject to the Trustee's administration.

4. The Property to be sold was determined, in part, by taking the full appraised value of the Debtor's household goods which he owns jointly with his non-debtor wife which totaled \$46,439.00, dividing that figure in half to reflect the value of the ownership interest of the Debtor's wife, and then taking the value of the remaining half interest of the Debtor and reducing it by the sum of \$5,000 which is the exemption to which the Debtor is entitled under Virginia law. Trustee then gave the Debtor and his wife the opportunity to identify those household goods that they did not wish to keep and which the Trustee would sell, that had

an appraised value at least equal to the value, as determined above, of the Debtor's non-exempt half interest in those household goods. As a result, those items consist of the Property to be sold, along with the 2 Bikes, 2 Paddleboards and Bike Rack.

5. By separate Application filed on July 18, 2017 as Doc #24, the Trustee seeks authority from the Court to employ Bremo Auctions, of 320 Pantops Center, Charlottesville, VA 22911 in the professional capacity of Auctioneer for the Trustee to conduct a public auction sale of the Property. All of the terms and conditions relating to the Trustee's employment of Auctioneer are set forth in the Application between the Trustee and the Auctioneer.

6. Trustee recommends that the Property be sold at **Public Auction** by Bremo Auctions, at 320 Pantops Center, Charlottesville, VA 22911, on a date and time to be agreed to between the Trustee and the Auctioneer which shall be noticed to creditors and parties in interest by the Trustee in accordance with applicable Bankruptcy Rules.

NOTICE OF HEARING

PLEASE TAKE NOTICE:

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in the bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion, or if you want the court to consider your views on the Motion, then on or before **seven (7) days prior to the hearing date shown below**, you or your attorney must:

1. File with the court a written response and a request for a hearing at:

Clerk, U. S. Bankruptcy Court
1100 Court Street, Room 166, Lynchburg, VA 24504

2. If you mail your written response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.
3. You must also mail a copy to:

Office of the U. S. Trustee
First Campbell Square Building
210 First Street, Suite 505, Roanoke, VA 24011

W. Stephen Scott, Trustee
P. O. Box 1312
Charlottesville, VA 22902

If a written response or objection is timely filed and served in accordance with this Notice and the time limit set forth herein above it will be considered by the Court along with the foregoing **Motion** at a hearing in United States Bankruptcy Court on **Thursday, August 17, 2017 at 10:00 A.M., at United States Bankruptcy Court, U. S. Courthouse and Federal Building, Courtroom, 255 W. Main Street, Charlottesville, VA** or as soon thereafter as the parties may be heard. If no written response or objection is timely filed and served in accordance with this Notice and the time limit set forth herein above, the Court may grant the Trustee's motion without hearing.

WHEREFORE, your Trustee prays that he be granted authority to conduct a public auction sale of the Property, for cash; and that he be granted such other and further relief as is deemed proper.

Dated: July 18, 2017

Respectfully submitted,
W. STEPHEN SCOTT, TRUSTEE
By Counsel

/s/ W. Stephen Scott

W. Stephen Scott, Esq. (VSB#14301)
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Counsel for the Trustee

CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2017, I filed the foregoing Motion and Notice referenced therein with the Court by the CM/ECF system, causing a copy thereof to be served electronically on counsel for the Debtor, the U. S. Trustee, and all parties requesting electronic service in this case, and on the same date I served a copy of the foregoing Motion and Notice by first class mail, postage prepaid, upon the Debtor and all parties in interest as listed on the Court's creditor mailing matrix.

/s/ W. Stephen Scott

Auction List

Pool Table - Heritage by Brunswick
Pool Sticks & Rack, etc - wall mounted w/ 10 sticks and 1 rack
Desk Lamp - nickel finish -Floor with adjustable tilt
Pair of Lidded Vases - Chinese, Blue and White
Guitar - Jasmine acoustic by Takamine w/ soft case
Santa Claus Figure -plaid coat, red velvet robe
Fireplace Fender - black and brass
Fender - heavy brass w/ claw feet
Lamp - sextant design, brass, wood leather
Inversion Table by Teeter, metal and vinyl
Racing Yachts Painting by GH Hunt
Framed Print of Beach with Rocks
Cupboard - painted teal green
Storage Chest - asian design, painted red, one drawer
Pair of Cabinets - modern, slate top, glass doors and shelves
Table on casters, trestle construction
Pine Oval Table
Queen Anne Table - drop leaf mahogany
Desk w/ leather top, 9 drawers w/ brass pulls
Chest of drawers - oak, 3 drawers w/ brass pulls
Butler's Secretary - 2 pieces, walnut
Chest of drawers - mahogany vaneered, two over three drawers
Secretary - walnut, one piece with glass doors
Elongated drop leaf table - oval, oak, by RBC made in England
Teak Patio Furniture by Kingsley Bate - 6 chairs, round dining table, low table, bench w/
arms, umbrella
Heriz Rug - wool, red & blue w/ cream and green 145" x 112"
Heriz Rug - wool, blue w/ red, cream and brown 154" x 124"
Pinarello Dogma F8 Bike
Cannondale Slate Disc Ultra Bike
2 Paddleboards
Bike Rack